

UNITED STATES DISTRICT COURT

Southern

District of

New York

Linda Marshall, Ben Dampios, Al Spilloway,
 Bernie Apotheker, Harry Esposito and Brent
 Wentz, et al.

V.

Milberg Weiss Bershad & Schulman LLP, Lerach
 Coughlin Stoia Geller Rudman & Robbins LLP,
 Melvyn I. Weiss, David J. Bershad, et al.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CV 6950

JUDGE PRESKA

TO: (Name and address of Defendant)

DAVID J. BERSHAD
 2 Stonebridge Rd
 Montclair, NJ 07042

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Beatie and Osborn LLP
 521 Fifth Avenue, Suite 3400
 New York, New York 10175

an answer to the complaint which is served on you with this summons, within twenty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 02 2007

CLERK

(By) DEPUTY CLERK

DATE

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

SERVICE OF: **SUMMONS IN A CIVIL CASE, CONSENT, COMPLAINT**
 EFFECTED (1) BY ME: **ALBERTO DOS SANTOS**
 TITLE: **PROCESS SERVER**

DATE: 08/10/2007 07:07PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

[] Served personally upon the defendant:
DAVID J. BERSHAD

Place where served:
2 STONEBRIDGE RD. MONTCLAIR NJ 07042

[X] Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

SUSAN BERSHAD

Relationship to defendant: **WIFE**

Description of person accepting service:

SEX: F AGE: 36-50 HEIGHT: 5'4"-5'8" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BLONDE OTHER: GLASSES

[X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

STATEMENT OF SERVER

TRAVEL \$ _____

SERVICES \$ _____

TOTAL \$ _____

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 09 / 20 / 2007


L.S.
 SIGNATURE OF ALBERTO DOS SANTOS
 GUARANTEED SUBPOENA SERVICE, INC.
 2009 MORRIS AVENUE
 UNION, NJ 07083

ATTORNEY: N/A
 PLAINTIFF: LINDA MARSHALL, ET AL
 DEFENDANT: MILBERG, WEISS BERSHAD & SCHULMAN, LLP, ET AL
 VENUE: DISTRICT OF NY
 DOCKET: 07 CV 6950 (PRESKA)

ELISA ORRICO
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires Dec. 28, 2011



(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.